



informing the Court of his readiness to resume litigating this case. [Id.]. He was informed that a request for additional time would need to be accompanied by a doctor's note indicating the date upon which it is expected that he will be able to resume litigating this case. [Id.].

On February 24, 2023,<sup>2</sup> the Plaintiff filed the instant Notice, accompanied by a doctor's note, stating that he will require additional time, until approximately May 22, 2023, to recover from his surgery sufficiently to resume litigating this case. [Docs. 48, 48-1]. The Notice is construed as a renewed Motion to Stay that is granted until May 22, 2023.

The Plaintiff shall file a written Notice with the Court by May 22, 2023 informing the Court of his readiness to resume litigating this case. If the Plaintiff seeks additional time, he must again file a doctor's letter in support of that request, including the date on which he is reasonably expected to be able to resume litigating this case. Should the Plaintiff fail to comply, this action will be dismissed without prejudice for lack of prosecution.

**IT IS, THEREFORE, ORDERED** that:

1. The Plaintiff's Notice [Doc. 48] is construed as a renewed Motion to Stay and is **GRANTED** until May 22, 2023.

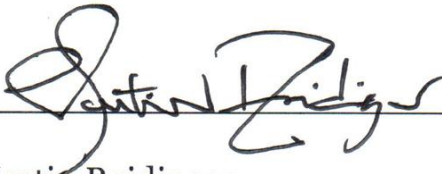
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<sup>2</sup> Houston v. Lack, 487 U.S. 266, 276 (1988) (establishing the prisoner mailbox rule); Lewis v. Richmond City Police Dep't, 947 F.2d 733 (4<sup>th</sup> Cir. 1991) (applying prisoner mailbox rule to § 1983 case).

2. The Plaintiff is **ORDERED** to file a Notice by May 22, 2023 informing the Court of his readiness to resume litigating this case. If he seeks additional time, he must file a doctor's note justifying a further stay that includes the date upon which it is expected that he will be able to resume litigating this case. His failure to do so will result in this action's dismissal without prejudice for lack of prosecution.

**IT IS SO ORDERED.**

Signed: March 10, 2023

  
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Martin Reidinger  
Chief United States District Judge

